

# **EXHIBIT 2**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

ANDREW PERRONG and STEWART  
ABRAMSON, individually and on behalf of a  
class of all persons and entities similarly  
situated,

Plaintiffs,

vs.

FRONTIER UTILITIES NORTHEAST LLC and  
NEXT GENERATION ENERGY, INC.,

Defendants.

Case No. 2:20-cv-05844-MSG

**Declaration of Brian K. Murphy in Support of Motion for Preliminary Approval**

I, Brian K. Murphy, declare under penalty of perjury:

1. I make this declaration in support of the Plaintiffs' Amended and Unopposed Motion for Preliminary Approval of a Class Action Settlement.
2. I am an attorney duly admitted to practice in Ohio and Illinois, I am over 18 years of age, I am competent to testify, and I make this declaration on personal knowledge. I have extensive experience in the prosecution of class actions on behalf of consumers.
3. I am co-counsel of record for Plaintiffs Andrew Perrong and Stewart Abramson.

**Qualification of Counsel**

4. I and my firm, Murray Murphy Moul + Basil LLP, have extensive experience in the prosecution of class actions on behalf of consumers, including claims under the Telephone Consumer Protection Act, 47 U.S.C. §227. I make this declaration to describe the work that I and my co-counsel have done in identifying, investigating, and prosecuting the claims in the action and to set forth my qualifications to serve as class counsel and to state that based on my

experience, I consider this settlement an excellent result for the class that merits both preliminary and final approval from the Court.

5. I was involved in every stage of litigation in this case, from pre-trial investigation, analysis of Plaintiffs' potential claims, drafting and researching the complaint and discovery work, review of documents, discovery and general preparation for mediation. I additionally participated in settlement negotiations and strategy, participated in the mediation process and contributed on preparing the proposed settlement agreement and motion for preliminary approval.

6. I am a 1994 graduate of The Ohio State University College of Law. In 1994, I was admitted to the Bar of Illinois. In 1999, I was admitted to the Bar of Ohio. Since then, I have been admitted to practice before numerous Federal District and Appellate Courts and the United States Supreme Court. From time to time, I have appeared in other State and Federal District Courts *pro hac vice*. I am in good standing in every court to which I am admitted to practice.

7. Since 1999, I have been a partner with Murray Murphy Moul + Basil LLP in Columbus, Ohio.

8. A sampling of class actions in which my firm and I have participated are as follows:

Securities Litigation

Murray Murphy Moul + Basil LLP has developed into one of the most experienced securities litigation firms in the State of Ohio. Since 2011, the firm has been a member of the Ohio Attorney General's Securities Panel, providing ongoing advice to the office related to potential securities claims affecting Ohio's public pension funds. The firm has represented

numerous public pension funds for the State of Ohio under both Republican and Democratic administration since 2006. The firm has also prosecuted matters on behalf of other large pension funds. The following is a short summary of a representative sampling of the securities cases the firm has been involved with over the years:

In re Cardinal Health Securities Litigation

(United States District Court for the Southern District of Ohio)

Murray Murphy Moul + Basil LLP was co-counsel in this matter, which resulted in a \$600 million settlement for the class—the largest securities class action settlement in the history of the Sixth Circuit. The settlement was approved by Judge Marbley on November 14, 2007. The Complaint alleged that Cardinal, and certain of its officers and directors, issued materially false statements concerning the Company's financial condition. The Complaint was on behalf of all persons who purchased the publicly traded securities of Cardinal Health, Inc. between October 24, 2000 and June 30, 2004 inclusive. After a review of in excess of six million documents and extensive depositions and interviews, and a lengthy and extensive mediation process, the parties entered into the settlement agreement pursuant to which the \$600 million settlement fund was created.

In re Marsh & McLennan Cos., Inc. Securities Litigation

(United States District Court for the Southern District of New York)

Murray Murphy Moul + Basil LLP was appointed by former Attorney General Jim Petro as co-counsel in this matter in which the Public Employees' Retirement System of Ohio, State Teachers' Retirement System of Ohio, and Ohio Bureau of Workers' Compensation were appointed as co-Lead Plaintiffs. The case was settled at the end of 2009 for \$400 million.

In re Abercrombie & Fitch Securities Litigation

(United States District Court for the Southern District of Ohio)

Murray Murphy Moul + Basil LLP was co-counsel in this PSLRA case which alleged that Abercrombie (a) carried out a scheme to deceive the investing public; (b) made untrue statements of material fact and/or omitted to state material facts necessary to make the statements not misleading; and (c) engaged in acts, practices, and a course of business which operated as a fraud and deceit upon the purchasers of the Company's securities in an effort to maintain artificially high market prices for Abercrombie securities. The Court certified the class, and a settlement was eventually reached in the amount of \$12 million in the middle of 2010.

Ohio Board of Deferred Compensation v. Pilgrim Baxter

(United States District Court for the District of Maryland)

Murray Murphy Moul + Basil LLP assisted in the prosecution of this securities class action brought on behalf of purchasers and holders of Pilgrim Baxter mutual funds from November 1, 1998 to November 13, 2003 who were harmed by a pattern of market timing trading practices. The Ohio Board of Deferred Compensation was appointed as the lead Plaintiff in this litigation, and Murray Murphy Moul + Basil served as co-counsel. The case was settled for \$31,538,600 in 2010.

In Re Bank of New York Mellon Foreign Currency Transaction Litigation  
(United States District Court for the Southern District of New York)

Murray Murphy Moul + Basil LLP represented the co-Lead Plaintiffs, the Schools Employees Retirement System of Ohio and the Ohio Police and Fire Pension Fund, in a class action brought against the Bank of New York Mellon by customers who had utilized the Bank's foreign currency exchange services and who were charged inaccurate exchange rates. The case settled for in excess of \$500 million in 2015.

Anthony Basile, et al v. Valeant Pharmaceuticals, et al  
(United States District Court for the Central District of California)

Murray Murphy Moul + Basil LLP represented the co-Lead Plaintiff, the State Teachers Retirement System of Ohio, in a class action brought against Valeant Pharmaceuticals and hedge fund manager Bill Ackman alleging massive insider trading violations related to Valeant's attempted hostile tender offer for Allergan. The case settled in 2018 for \$250 million, representing the largest settlement ever for a case based on insider trading allegations.

Shenk v. Mallinckrodt PLC  
(United States District Court for the District of Columbia)

Murray Murphy Moul + Basil LLP represents the Lead Plaintiff, the State Teachers Retirement System of Ohio, in a class action brought against pharmaceutical manufacturer Mallinckrodt PLC related to securities violations engaged in by the company and its management. The case is currently pending.

Other Class Litigation Experience

Murray Murphy Moul + Basil LLP has served as Lead Class Counsel in prosecuting other large class actions, including Violette, et al v. P.A. Days, Inc. (S.D. Ohio 2004) and Adkins v. Ricart Properties, et al., (S.D. Ohio 2004), two certified class actions that included over 100,000 class members. Similarly, Murray Murphy Moul + Basil LLP served as Co-Lead Counsel in the certified class action of Mick v. Level Propane Gases, Inc., 203 F.R.D. 324 (S.D.

Ohio 2001). The firm has also appeared in the United States Supreme Court in a putative class action arising in the Southern District of Ohio. Household Credit Services, et al v. Pfennig, 124 S.Ct 1741 (2004).

Murray Murphy Moul + Basil LLP has also served as Defense Counsel in two putative class actions asserting claims against Ohio state agencies. Murray Murphy Moul + Basil LLP was trial counsel in the matter of S.H and all other similarly situated, et al v. Taft et al, Case Number: 2:04-cv-1206 and co-counsel in J.P. and all others similarly situated et al v. Taft et al, Case Number: 2:04-cv-692.

Murray Murphy Moul + Basil LLP also served as Lead Counsel in class litigation that have been resolved in favor of the Classes: Downes v. Ameritech Corp., et al., Case No. 99 CH 11356 (Cook County, IL), Bellile v. Ameritech Corp., et al., Case No. 99-925403-CP (Wayne County, MI), Gary Phillips & Assoc. v. Ameritech Corp., 144 Ohio App. 3d 149, 759 N.E.2d 833 (Franklin County, OH) and Prestemon, et al v. Echostar Communication and WebTV Networks, Case No. 2002-053014 (Alameda Cty, California Sup. Court).

The firm was also successful in bringing about one of the largest class settlements ever at the time for a class of consumers besieged by telemarketing prerecord robocalls in Desai v. ADT Security Systems, Case No. 11-cv-01925 (N.D. Illinois). The firm was Co-Lead Counsel on behalf of nationwide class that received \$15,000,000 in 2013.

SIGNED UNDER PAINS AND PENALTIES OF PERJURY THIS 25<sup>th</sup> DAY OF FEBRUARY, 2022.

/s/ Brian K. Murphy  
Brian K. Murphy

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

ANDREW PERRONG and STEWART  
ABRAMSON, individually and on behalf of a  
class of all persons and entities similarly  
situated,

Plaintiffs,

vs.

FRONTIER UTILITIES NORTHEAST LLC and  
NEXT GENERATION ENERGY, INC.,

Defendants.

Case No. 2:20-cv-05844-MSG

**DECLARATION OF ANTHONY PARONICH IN SUPPORT OF PLAINTIFFS’  
AMENDED AND UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF A  
CLASS ACTION SETTLEMENT**

I, Anthony I. Paronich, declare under penalty of perjury:

1. I make this affidavit in support of Plaintiffs’ Amended and Unopposed Motion for Preliminary Approval of Class Action Settlement to state my opinion that the settlement represents an excellent result for the Settlement Class and to advise the Court of my adequacy to be appointed as class counsel. Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration and could testify competently to them if called upon to do so.

2. I am an attorney duly admitted to practice in the Commonwealth of Massachusetts, I am over 18 years of age, am competent to testify and make this affidavit on personal knowledge. I have extensive experience in the prosecution of class actions on behalf of consumers, particularly claims under the TCPA.

### Qualifications of Counsel

3. I am a 2010 graduate of Suffolk Law School. In 2010, I was admitted to the Bar in Massachusetts. Since then, I have been admitted to practice before the Federal District Court for the District of Massachusetts. From time to time, I have appeared in other State and Federal District Courts *pro hac vice*. I am in good standing in every court to which I am admitted to practice.

4. I was an associate at Broderick Law, P.C. in Boston, Massachusetts from 2010 through 2016.

5. I was a partner at Broderick & Paronich, P.C. in Boston, Massachusetts from 2016 through 2019.

6. In 2019, I started Paronich Law, P.C., focused on protecting consumers in class action lawsuits.

7. I have been appointed class counsel in more than 30 TCPA cases, including the following:

- i. Desai and Charvat v. ADT Security Services, Inc., USDC, ND. Ill., Civil Action No. 11-CV-1925, TCPA class settlement of \$15,000,000 granted final approval on June 21, 2013.
- ii. Jay Clogg Realty Group, Inc. v. Burger King Corporation, USDC, D. MD., Civil Action No. 13-cv-00662, TCPA class settlement of \$8,500,000 granted final approval on April 15, 2015.
- iii. Charvat v. AEP Energy, Inc., USDC, ND. Ill., 1:14-cv-03121, TCPA class settlement of \$6,000,000 granted final approval on September 28, 2015.
- iv. Bull v. US Coachways, Inc., USDC, ND. Ill., 1:14-cv-05789, TCPA class settlement finally approved on November 11, 2016 with an agreement for judgment in the amount of \$49,932,375 and an assignment of rights against defendant's insurance carrier.
- v. Smith v. State Farm Mut. Auto. Ins. Co., et. al., USDC, ND. Ill., 1:13-cv-02018, TCPA class settlement of \$7,000,000.00 granted final approval on December 8, 2016.
- vi. Mey v. Frontier Communications Corporation, USDC, D. Ct., 3:13-cv-1191-MPS, a TCPA class settlement of \$11,000,000 granted final approval on June 2, 2017.



- vii. Heidarpour v. Central Payment Co., USDC, MD. Ga., 15-cv-139, a TCPA class settlement of \$6,500,000 granted final approval on May 4, 2017.
- viii. Thomas Krakauer v. Dish Network, L.L.C., USDC, MD. NC., Civil Action No. 1:14-CV-333 on September 9, 2015. Following a contested class certification motion, this case went to trial in January of 2017 returning a verdict of \$20,446,400. On May 22, 2017, this amount was trebled by the Court after finding that Dish Network's violations were "willful or knowing", for a revised damages award of \$61,339,200. (Dkt. No. 338).
- ix. Charvat v. Carnival Corporation & PLC, et. al., USDC, ND. Ill., 1:13-cv-00042, a TCPA class settlement of \$12,500,000 granted preliminary approval on July 6, 2017.
- x. Abante Rooter and Plumbing, Inc. v. Birch Communications, Inc., USDC, ND Ga., 1:15-CV-03562-AT, a TCPA class settlement of \$12,000,000 granted final approval on December 14, 2017.
- xi. Abante Rooter and Plumbing, Inc. v. Pivotal Payments, Inc., USDC, ND. Ca., 3:16-cv-05486-JCS, a TCPA class settlement of \$9,000,000 granted final approval on October 15, 2018.
- xii. In re Monitronics International, Inc., USDC, ND. WV., 1:13-md-02493-JPB-JES, a TCPA class settlement of \$28,000,000 granted final approval on June 12, 2018.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE SIGNED UNDER PENALTY OF PERJURY OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT EXECUTED THIS THIS 25<sup>th</sup> DAY OF FEBRUARY, 2022 IN THE COMMONWEALTH OF MASSACHUSETTS.

/s/ Anthony I. Paronich  
Anthony I. Paronich